

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

**IN THE MATTER OF:**

**MENDEZ RIVERA, WALLY ENRIQUE,**

**Debtor(s)**

**CASE NO. 17-01510-MCF**

**Chapter 7**

**TRUSTEE'S POSITION AS TO DEBTOR'S MOTION TO RECONSIDER ORDER**

**DENYING WAIVER OF FILING FEES**

**TO THE HONORABLE COURT**

COMES NOW, NOREEN WISCOVITCH-RENTAS as Chapter 7 Trustee, and very respectfully STATES and PRAYS, before this Honorable Court:

1. On March 3, 2017, the Debtor filed a voluntary Chapter 7 Petition under the Bankruptcy Code. The undersigned is the duly appointed and qualified Chapter 7 Trustee.
2. Also on March 3, 2017, the Debtor filed a Motion for the Waiver of Filing Fees. See Dkt. No. 2.
3. On March 16, 2017, the Court denied the application to have the filing fee waived. Instead the Court authorized the payment by installments. See Dkt. No. 7.
4. On March 23, 2017, the Debtor filed a Motion to Reconsider the Order. See Dkt. No. 9.
5. On April 11, 2017, the Trustee held the 341 Meeting of Creditors and has since filed a report of no distribution and concluded the Meeting. See Dkt Nos. 11 and 12.

6. The Trustee would like to bring to the Court's attention Debtor's Counsel Form 2030 filed with the Petition in Dkt. No. 1 Page 56 of 58. There in the Attorney discloses that her fees for this case are \$1,600.00. Of these fees, and at the time of filing, she had received \$1,035.00. The form indicates that there is a balance due of \$565.00.
7. An attorney for the Debtor should not file a Chapter 7 Bankruptcy Petition, in which she is both the attorney for the Debtor and a Creditor to the Debtor. As being both, in bankruptcy, raise a conflict of interest for the attorney.
8. It would be inequitable to allow an attorney to receive fees from the Debtor in an amount beyond the cost of the filing fees in this case. Allowing so, would leave the Court, and the trustee, without minimal compensation for the administration of this case.<sup>1</sup> In fact, the attorney is receiving approximately 3 times the filing fees value as her fees.

**WHEREFORE**, for the reasons above stated, it is respectfully requested this Court take notice of Trustee's position regarding the Debtor's Motion to Reconsider.

CERTIFICATE OF SERVICE: I hereby certify that on this same date I electronically filed the above document with the Clerk of the Court using the CM/ECF System which sends a notification of such filing to all parties in this case registered for receipt of notice by electronic mail. I further certify that the foregoing document has been served to the US Trustee at ustregion21.hr.ecf@usdoj.gov and Debtor's attorney, Lyssette A. Morales Vidal, Esq., Urb. Villa Blanca, 76 Aquamarina, Caguas, PR 00725-

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<sup>1</sup> The filing fees includes the \$60.00 a Chapter 7 Trustee receives for the administration of a no asset case. This amount has remained unchanged for the past 20 years.

1908 and by depositing true and exact, copies thereof in the US regular mail, to Debtor,  
Wally E. Mendez Rivera, RR 04 Box 7667, Cidra, PR 00739-9112.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico this 23<sup>rd</sup> day of February 2017.

/s/ Noreen Wiscovitch Rentas  
**NOREEN WISCOVITCH RENTAS**  
CHAPTER 7 TRUSTEE  
PMB 136  
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